

CHAMBERS COPYUNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

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IN RE:

CASE NO.: -09-22377-JCN

Carlton E. Blythe, a/k/a Carlton E.
Blythe, Sr. a/k/a Carlton Blythe),

Chapter: 13

DEBTOR

JUDGE: JOHN C. NINFO II

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**ORDER CONDITIONALLY GRANTING
RELIEF FROM THE AUTOMATIC STAY**

Upon the Application dated January 25, 2011, (the "Application") of US Bank NA (the "Movant"), by its attorneys, Rosicki, Rosicki & Associates, P.C., seeking an Order: (i) modifying and terminating the automatic stay to permit the Movant to exercise all of its rights and remedies with respect to certain collateral consisting of the real property known as 79 Canton Street, Rochester, NY 14606 (the "Premises"); and (ii) granting Movant such other and further relief as the Court deems just and proper; and

The Application having come before this Court to be heard on March 2, 2011; and the parties having agreed to the entry of the within Conditional Order, it is hereby

ORDERED that the Motion of Movant is conditionally granted as set forth below, and it is further

A. ORDERED that on or before July 15, 2011, Carlton E. Blythe, aka Carlton E. Blythe, Sr. aka Carlton Blythe, (the "Debtor") shall pay Movant all post-petition arrears on his mortgage; such payments to include principal, interest, late charges, escrow advances and reasonable attorney fees in the amount of \$350.00 and filing fee in the amount of \$150.00 for a total sum of \$6,048.75; such sum shall be good through February 28, 2011, and said arrears are broken down as follows:

1 Late Payment (8/1/10) at \$798.39	= \$798.39
6 Late Payments (9/1/10-2/1/11) at \$798.39	= \$4,860.72
7 Late Charges (8/1/10-2/1/11) at \$15.97 each	= \$111.79
Reasonable attorney fees	= \$350.00
Reasonable attorney costs	= \$150.00
Suspense balance	= \$-222.15
Total	= \$6,048.75,

and said arrears are to be paid as follows:

AMOUNT	DUE BY
\$2,300.00	at execution of this order
\$749.75	March 21, 2011
\$749.75	April 15, 2011
\$749.75	May 15, 2011
\$749.75	June 15, 2011
\$749.75	July 15, 2011,

and said payments shall be in the form of certified funds and mailed to:

US Bank NA
4801 Frederica Street
Owensboro, KY 42301

and it is further,

B. ORDERED that the Debtor shall make timely regular monthly payments to Movant at the address listed above by the 1st day of each and every month, commencing with the March 1, 2011 payment; and it if further

C. ORDERED that in the event the Debtor fails to tender the sums due under paragraph A hereinabove, or fails to make payments described in paragraph B hereinabove, and thereafter fails to comply with a Ten (10) Day Notice to Cure, then upon the filing of an Affirmation of Non-Compliance and submission and signature of an Ex-Parte order, the automatic stay is vacated with respect to the mortgage held by Movant to the extent necessary to allow it, its successors and/or assigns, to commence and/or continue mortgage foreclosure and eviction proceedings on the real property located at 79 Canton Street, Rochester, NY 14606, and it is further

D. **ORDERED** that in the event the Debtor fails to tender the sum due under paragraph A and/or the payments due pursuant to paragraph B hereinabove, and if three (3) notices to cure had previously been sent to Debtor and Debtor's attorney pursuant to paragraph C hereinabove, (for three previous defaults under this order), the automatic stay will be vacated without further notice to the Debtor or Debtor's attorney upon filing of an Affirmation of Non-Compliance and submission and signature of an Ex-Parte order with the court, and it is further

E. **ORDERED** that the Trustee retain any and all interest that the Trustee may have in any surplus monies that may be produced from a foreclosure sale of the property, and will be noticed of any such sale of the property and surplus money proceedings,

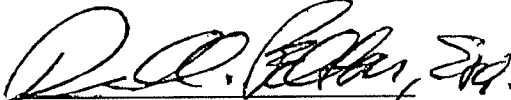
DATED:

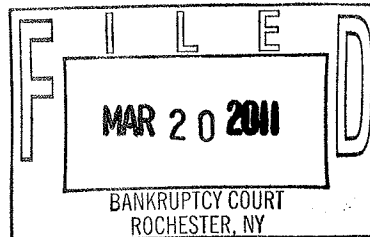
, New York

3/20/11

Hon. John C. Ninfo II
United States Bankruptcy Judge

CONSENTED AND AGREED TO BY:


David Pelton, Esq.
Attorney for Debtor



Movant shall mail a copy of this Order to Debtor, and if represented in this matter, Debtor's attorney, within 10 days of the date of this Order.